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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

ASIS INTERNET SERVICES, et al.,
 Plaintiff(s),

v.

RICHARD RAUSCH, et al.,
 Defendant(s).

CASE NUMBER

C-08-3186 EDL

NOTICE OF DISMISSAL WITHOUT
 PREJUDICE PURSUANT
 RULE 41(a) OR (c) F.R.Civ.P.

PLEASE TAKE NOTICE: (Check one)

- ☐ This action is dismissed by the Plaintiff (s) in its entirety.
- ☐ The Counterclaim brought by Claimant (s) _____ is
 dismissed by Claimant (s) in its entirety.
- ☐ The Cross-Claim brought by Claimant (s) _____ is
 Dismissed by the Claimant (s) in its entirety.
- ☐ The Third-party Claim brought by Claimant (s) _____ is
 Dismissed by the Claimant (s) in its entirety.
- ☒ ONLY Defendant MARK THEIS is
 (are) dismissed WITHOUT PREJUDICE from
 (Circle one) Complaint, Counterclaim, Cross-claim, Third Party
 Claim
 brought by PLAINTIFFS.

The dismissal is made pursuant to Rule 41 (a) or (c) of the Federal Rules of Civil Procedure.

DATED: March 2, 2009

/s/ Jason K. Singleton
 Signature of Attorney/Party

NOTE: F.R.Civ.P. 41(a): THIS NOTICE MAY BE FILED AT ANY TIME BEFORE SERVICE BY THE ADVERSE PARTY OF AN ANSWER OR OF A MOTION FOR SUMMARY JUDGMENT, WHICHEVER FIRST OCCURS.

F.R.Civ.P. 41(c): COUNTERCLAIMS, CROSS-CLAIMS & THIRD-PARTY CLAIMS MAY BE DISMISSED BEFORE SERVICE OF A RESPONSIVE PLEADING OR PRIOR TO THE BEGINNING OF TRIAL.